

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14cv105**

JAMES MCCLELLAND,

Plaintiff,

v.

ORDER

**FNU GABBY, Sargent on the “D” unit,
Housing at Marion Correctional,
FNU CRAVER, Officer at Marion
Correctional,**

Defendants.

Clerk’s Order Clarifying Payment of Filing Fee

THIS MATTER is before the Clerk to clarify the required filing fee required by Plaintiff McClelland.

Plaintiff filed a complaint with this court as a prisoner civil rights complaint under 42 U.S.C. §1983 on April 22, 2014.

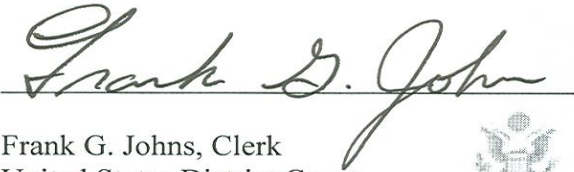
The Honorable Frank D. Whitney, U.S. District Chief filed an Order on May 15, 2014, finding that the Plaintiff was a frequent filer and dismissed the complaint without prejudice for failing to pay the full filing fee (Document 6). The Order allows the refiling of the action after paying the full filing fee.

The Clerk, in error, entered the standard Order Waiving Initial Partial Filing Fee and Directing the Correctional Facility to Transmit Partial Payments Order in this case on May 19, 2014, which is routinely entered in prisoner civil rights actions. However, this Clerk’s Order should not have been filed due to the previous Order of this court filed on May 15, 2014.

Therefore, the Clerk's Order of May 19, 2014, directing transmittal of partial payments for the filing fee of this action is rescinded. Plaintiff McClelland is directed to abide by the previous Order of this court of May 15, 2014, requiring the payment of the full filing fee upon any refiling of the action.

SO ORDERED, this 6th day of June, 2014.

Signed: June 6, 2014


Frank G. Johns, Clerk
United States District Court

